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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 6 May 2011 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and, with reference to paragraph 31 of Security Council resolution 1929 (2010), has the honour to transmit herewith, further to its note verbale No. 946/JS/lf of 24 September 2010, the latest national report of Spain on implementation of the measures envisaged in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24 of the aforesaid resolution.

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Annex to the note verbale dated 6 May 2011 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

National report of Spain on the implementation of United Nations Security Council resolution 1929 (2010)

Paragraph 31 of Security Council resolution 1929 (2010), adopted on 9 June 2010, calls upon all Member States to report to the Security Council within 60 days on the steps they have taken with a view to implementing the measures envisaged in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24 of the resolution.

This report summarizes the steps taken by Spain to comply with its obligations under the resolution, reflecting Spain's commitment to the United Nations and to the multilateral non-proliferation regime. Spain considers that effective multilateralism, based on the political will of Governments aware of the risk of proliferation, is a vital tool for achieving international peace and security.

Steps taken to implement the provisions of paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24 of resolution 1929 (2010):

- The Decision of the Council of the European Union of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP has been brought into force in order to comply with the mandate of the Security Council under the above-mentioned paragraphs, and will be supplemented by a forthcoming Council Regulation, which will repeal Regulation (EC) No. 423/2007 currently in force.

- With regard, in particular, to the freezing of funds of designated persons and entities, the following steps have already been taken at the European and national levels:

  By means of Regulation (EU) No. 668/2010 of 26 July 2010, additional names have been added to the list of persons and entities whose funds were subject to freezing under Regulation (EC) No. 423/2007. The procedure for the authorization of payments in the cases provided for in Security Council resolution 1929 (2010) is the same as in the measures established for the implementation of Security Council resolution 1737 (2006).

  The Directorate-General of the Treasury has taken the necessary steps to comply with the new asset freeze measures.

  A system of penalties has also been established for cases where entities do not implement this asset freeze. Law No. 10/2010, of 28 April 2010, on the prevention of money-laundering and terrorist financing, provides that failure to freeze the funds of designated persons shall be deemed a serious or very serious offence, depending on whether it is attributable to negligence or wilful misconduct. The following penalties may be imposed:

  – In the case of serious offences, a fine of a minimum of 60,001 euros and a maximum of the higher of the following amounts: 1 per cent of the net assets of the obligated entity, up to the value of the transaction, plus

50 per cent; or 150,000 euros. In addition, the non-compliant entity may receive a public or private reprimand.

– In the case of an offence deemed very serious, a fine of a minimum of 150,000 euros and a maximum of the higher of the following amounts: 5 per cent of the net assets of the obligated entity, up to double the value of the transaction; or 1.5 million euros. In addition, the entity will be subject to a public reprimand or its administrative authorization to operate may even be revoked.

The Interministerial Board for the Regulation of External Trade in Defence and Dual-Use Materials (JIMDDU), established by Royal Decree 2061/2008 of 12 December 2008, which adopted regulations for the control of external trade in defence materials, other materials and dual-use goods and technology, has continued to perform its control functions regarding exports to the Islamic Republic of Iran within the scope of its authority.

By means of these measures, Spain will continue to comply with the obligations established by Security Council resolution 1929 (2010).

Madrid, 5 May 2011